



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087832.269	04/03/97	ROUNTOS	11783-1

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GREGORY S ROSENBLATT
INTELLECTUAL PROPERTY LAW SECTION
WIGGIN AND DANA
ONE CENTURY TOWER
NEW HAVEN CT 06508-1832

EXAMINER
PATIDAR JAY M.

ART UNIT	PAPER NUMBER
2213	

DATE MAILED: 04/03/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/832,269

Applicant(s)
Rountos et al.

Examiner
Jay M. Patidar

Group Art Unit
2213



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 _____ is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number: 08/832,269

Art Unit: 2213

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Please note the comments of the draftperson on PTO Form 948.

3. The Abstract of the Disclosure is objected to because the abstract does not set forth the nature and gist of the invention.

Correction is required. See M.P.E.P. § 608.01(b).

4. Claims 9-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "sidewalls" at line 2. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2213

In claim 19, the scope of the claim is not clear and being incomplete amounting to a gap between the elements; it is vague as to how magnetic flux distortion, cross talk and hysteresis are minimized; additionally, no structural connection or relationship is set forth between the claimed elements. The **structure** which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

The claims not specifically addressed share the indefiniteness as they depend from rejected base claims.

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2213

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

Claims 1-3,8-14 and 19-20 are rejected under 35 U.S.C. § 103 as being unpatentable over JP 58-66381 and common knowledge in the art.

Pub. '381 discloses a magnetic field sensor including a shaft 1, and at least one magnetic sensor 5 disposed adjacent the magnetic portion 2. The use of the non-magnetic bushing and three directional magnetic field measurement with three sensors are well known in the art. A magnetic portion made from neodymium/ferrite powder is notoriously known in the permanent magnet art. Consequently, it

Art Unit: 2213

would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of '381 to have included powder of magnetic material and three sensors to enhance the sensitivity of the magnetic field sensor.

6. Claims 4-7,15-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to show or suggest a magnetic field sensor with a magnetic portion having uniformly convex wall terminating at opposing planar polar portions.
8. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office action. The early submission of formal drawings will permit the Office

Serial Number: 08/832,269

Art Unit: 2213

to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bleeke et al. (5,266,917); Temple (4,584,577) are cited to show a magnetic field sensor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay M. Patidar whose telephone number is (703) 308-6723. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 6:00 PM.

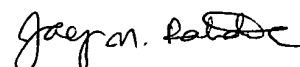
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Sandra O'Shea, can be reached on (703) 305-4939. The fax number for this group is (703) 308-7382.

Serial Number: 08/832,269

Page - 7

Art Unit: 2213

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4900.



Jay M. Patidar
Patent Examiner
GAU 2213
March 30, 1998